

EXHIBIT 9

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 WESTERN DISTRICT OF WASHINGTON

4)
5 JOHN DOE #1, et al.,)
6)
7 Plaintiffs,)
8)
9 vs.) NO: 09-cv-05456-BHS
10)
11 SAM REED, et al.,)
12)
13 Defendants.)

14 DEPOSITION UPON ORAL EXAMINATION OF **REDACTED**

15 September 1, 2010
16 Tacoma, Washington

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24 DIXIE CATTELL & ASSOCIATES
25 COURT REPORTERS & VIDEOCONFERENCING
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1 using a current, accurate registered voter's database?

2 A Yes, they were initially. Then we had to go to a third
3 count and they weren't initially, until we had to meet with
4 the directors.

5 Q And when you did meet with the directors, was the problem
6 solved?

7 A Yes.

8 Q Do you feel that all of the signatures that were rejected
9 were rejected properly?

10 A No.

11 Q If you were to be involved in an initiative campaign again,
12 would you have confidence in the Secretary of State's work?

13 A No.

14 Q And why not?

15 A I saw bias. We saw, while we were there for that entire
16 month for 15 hours a day, we saw some of the staff -- we saw
17 some of the observers from Washington Families Standing
18 Together -- it's a long name. I'll say WFST, if that's
19 okay. Some of the observers there, the lead observers there
20 for WFST, talking with the supervisors there. They were --
21 I, in particular, saw three of them, one of which I believe
22 was an attorney for Washington Families Standing Together,
23 go into the offices of one of the lead checkers that works
24 there full-time. He's not -- he wasn't a part-time, just,
25 you know, being hired part-time to -- for this process.

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1 He's actually a full-time member there. And they, without
2 this person being in his office, all three of them were in
3 there looking around like they had been in there before and
4 just took the liberty to be in his private office, which
5 none of us had ever done.

6 Q Would you have any -- other than the bias, would you have
7 any problems with the process used?

8 A Yes.

9 Q In what regard?

10 A In regards to the Russian names, we didn't -- there was a --
11 one of the directors there was Katie Williams. She was the
12 assistant director with Shane Hamlin. When it came to going
13 through the third check of the signatures, she had wrote out
14 the policy for the checkers that were there on how to -- not
15 how to, but what to do and what not to do when checking
16 these signatures, in particular the Russian signatures.

17 There was thousands of them that were Russian names. She
18 had specifically wrote down, when checking the names, to not
19 check the last name -- I can't quote the wording exactly,
20 but to not check the last name of the Russian signatures as
21 the first name on the computer database.

22 And we found out, from talking to the Russian observers
23 that there were with us, that is not their culture. That
24 the culture in the Russian community is that when they sign
25 their names, unlike Americans who sign their first name and

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1 then their last name, the Russian community people sign
2 their last name first.

3 And it is our -- my opinion that Katie Blinn did this
4 deliberately knowing this about the Russian culture. Had we
5 not caught it, my husband and I caught that that day, that
6 morning before we were going to start this third check on
7 this new database, had we not caught it -- and **REDACTED**

8 **REDACTED** was actually on his way up from Mount Vernon where
9 he lives to come to the offices. He had a Russian fellow
10 coming with him who we found out was actually an attorney,
11 and we showed this policy to him. So we went and had a
12 meeting -- fortunately for that, for him being up there, we
13 had a meeting with Katie Blinn and Shane Hamlin, myself, and
14 my husband, **REDACTED**, and this Russian attorney.

15 And **REDACTED** confronted Shane Hamlin about this
16 discrepancy and asked him what he was going to do about it.
17 Had we not been there to catch that, I firmly believe that
18 the Russian signatures would have been undermined and
19 rejected, and we wouldn't have got the appropriate
20 signatures.

21 Q Can you tell me who were the Russians that were with you
22 checking signatures?

23 A I can't remember their names. Igor. They came from
24 different churches. We had one pastor that we finally got
25 ahold of to help us in particular during this time when I

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1 was a -- it was a Wednesday. We went to the elections
2 office to be observers there when it first started. That
3 was on a Wednesday afternoon when we started that process at
4 one in the afternoon.

5 We came home that evening and I noticed we had gotten a
6 couple calls on the caller ID from a David Baurle, I think
7 is his last name. They never left any messages.

8 And also when we were there at the elections office, we
9 had to -- everyone had to sign in their name, you know, sign
10 in our names.

11 Then on Saturday when we were home that first weekend
12 of the observation of the signatures, I returned the call to
13 this David Baurle because people call the church, so we try
14 to return the calls.

15 Q Excuse me. You said there were calls and that they were
16 identified on your phone as calls from David Baurle. Was
17 there a message left?

18 A No.

19 Q Okay.

20 A But he had called twice.

21 Q So two calls?

22 A Um-hmm.

23 Q So it's Saturday and you decided to call?

24 A Yes, to return the call. I normally do that with people who
25 call the church. So I called and said, "Hello. We're

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1 looking for" -- I don't remember exactly how it went in
2 order, but, "we're looking for a David Baurle. We're
3 returning a call to a David that called our church."

4 And he said, "There's no David here."

5 And I said, "Okay. I'm sorry. I guess we have the
6 wrong phone number then and thank you."

7 He stopped me and said, "Who is this?"

8 I said, "We're" -- "this is REDACTED Christian
9 Church and someone had called us named David."

10 He said -- after he said that there's no David there,
11 then he said, "That used to be me." That used to be him.
12 He's no longer David. He's now Krystal.

13 I said, "Okay."

14 And then he -- that's when he said he's the one that
15 made the calls.

16 Q And did you continue to speak with him?

17 A Yeah. Then he asked what -- you know, about our church and
18 that -- I have to read the declaration because I don't
19 remember exactly how it went, but . . .

20 Q If you can't remember, that's okay to say you can't
21 remember. I don't want you to say anything you don't feel
22 confident of.

23 A I just can't remember it verbatim.

24 Q Okay.

25 A He said that he began to explain that his name is Krystal,

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1 also called the police. The police officer returned the
2 call to us. We explained to him what happened. He asked to
3 listen to the recordings we had on the answering machine.
4 We got on the cell phone and he listened to all of them and
5 asked for the phone number and said he would call Mr. Baurle
6 and tell him because of these threats not to show up at the
7 church the next day.

8 Q Was this a DuPont Police officer?

9 A Lacey. I can't remember. I thought -- I think it was Lacey
10 because our church is in Lacey.

11 Q Okay.

12 A Yeah.

13 Q Do you recall the name of the officer you spoke to?

14 A No, I don't.

15 Q And did the officer call you back to let you know if he or
16 she had actually called the individual?

17 A I believe so. Yeah, he did. I can't remember if we called
18 him or he called us, but yes, he let us know he talked to
19 him, and I can't remember if he talked to him personally or
20 if he left a message. I don't know.

21 Q Was it taken care of promptly or were the police slow to do
22 anything?

23 A It was within that hour.

24 Q Did you hear again from the individual who had been calling
25 you?

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1 A He sent us an e-mail after that.

2 Q Before we get to that, did you have any more phone contact
3 or messages from the individual?

4 A No.

5 Q Then we'll mark this as Exhibit No. 3.

6 (Exhibit No. 3 marked.)

7 Q So you have in front of you what we've marked as Exhibit
8 No. 3 and today part of your subpoena asked you to bring
9 documents, and this is one of the documents you brought,
10 correct?

11 A Yes.

12 Q Can you tell me what this is?

13 A The e-mail that we received from David Baurle now called
14 Krystal Mountaine.

15 Q And this Tuesday, August 4th, is this the Tuesday that
16 follows the Saturday conversations we were just discussing?

17 A Yes.

18 Q After this e-mail, did you respond to it?

19 A No.

20 Q Did you inform the police of it?

21 A No.

22 Q Did you have any further contact with him of any sort?

23 A No.

24 Q Okay.

25 A I want to add something to this e-mail.

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1 Q You want to add to the e-mail?

2 A Make a comment to the e-mail we received from him.

3 Q What would you like to say?

4 A In my conversations with David, David/Krystal, the way he
5 talked on the phone with me does not at all sound like this
6 was his -- the way he would speak or write, so it sounded
7 like this came from somebody else.

8 Q And other than that, do you have any knowledge of whether
9 this came from somebody else?

10 A No. But I can tell you that the way he talked on the phone,
11 that there's no way that he seemed to be of the skill to be
12 able to write something as -- like this.

13 Q I understand.

14 You said you didn't contact the police after you
15 received this. Did you feel threatened by the e-mail?

16 A No.

17 Q Is there some reason that you didn't inform the police of
18 this?

19 A He said he would not be contacting us any further. Again, I
20 have to say that this does not sound like it came from him.
21 Clearly to us, from the conversations with him, somebody
22 else had to be with him that wrote this because this was not
23 the way that he talked.

24 Q I understand. But my question is: Why did you not feel the
25 need to give this to the police?

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1 A He was yelling at the customer service desk inside the store
2 after he had had this discourse with my husband outside the
3 store while customers are going in and out.

4 Q Your concern was he was speaking too loudly and yelling in
5 making the request that you be removed from the front of the
6 store?

7 A Absolutely.

8 Q You agree with me that he has the right to ask that you be
9 removed, so long as he it does it politely?

10 A Anybody has the right to do that, but the way he did it was
11 bordering on disrupting the peace.

12 Q Thank you.

13 Let me turn your attention to this call from the
14 David -- we'll call him David/Krystal. You understand who
15 I'm referring to there?

16 A Yes.

17 Q Now, we know that that individual got your phone number from
18 the Protect Marriage Washington Web site. Isn't that true?

19 That's what he told you?

20 A I don't believe that our phone number is on the Protect
21 Marriage Web site. Our name is.

22 Q Your name?

23 A I found out now, but I don't believe that our phone number
24 is there.

25 Q But we know he got your name from the Web site because

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1 that's what he told you?

2 A Well, he said he got it from **REDACTED** . First he
3 mentioned I got it -- I got it from **REDACTED** 's Web
4 site. And then he says -- when I asked him how he got our
5 phone number, then he said, "Well, you have a church Web
6 site too, don't you?"

7 Q So that suggests he got your phone number from your Web site
8 and your name from the Protect Marriage Washington Web site?

9 A Yes. He mentioned **REDACTED** first.

10 Q You'll agree with me the one thing we know for certain,
11 absolutely certain, is he did not get your name from the
12 Referendum 71 petition sheet. You know that because those
13 have always been kept private, even until today?

14 A I cannot say. You'll have to ask David/Krystal where he got
15 it from exactly, but I find it more than coincidental when
16 we were there at the elections office and within a day
17 afterwards, when we had to sign in our name and Washington
18 Families Standing Together was there signing their name and
19 who they were with, that we starting getting these calls
20 from David/Krystal.

21 Q Well, putting aside these the coincidences you identified,
22 what we know is that David/Krystal told you that he got your
23 name from the Protect Marriage Washington Web site?

24 A That's what he said.

25 Q And the --

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1 A He mentioned [REDACTED] 's name.
2 Q And the phone number from your church Web site?
3 A Yes.
4 Q Your phone number is not a secret. It's easy to find, isn't
5 it?
6 A It's easy, yes. You have to get on the Web site.
7 Q I would like to direct your attention to the e-mail from
8 Krystal Mountaine, the same individual in Exhibit No. 3.
9 Do you have that there in front of you?
10 A Yes.
11 Q This is the e-mail you received --
12 A Yes.
13 Q -- on August 4th the church e-mail address?
14 A It looks like it.
15 Q The e-mail address is not a secret either. That's on the
16 Web site, true?
17 A Yes.
18 Q In fact, you want to make it easy to contact the church, and
19 so that's the reason you have a Web site?
20 A Anybody does, yes.
21 Q You testified a moment ago that you thought that somebody
22 else wrote this for Krystal Mountaine. That's a guess,
23 true?
24 A I believe it's more than a guess because Krystal Mountaine
25 did not talk like this at all.

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1 Q But the only thing you know is that you received this e-mail
2 as signed by him?

3 A Well, it's not signed by him, but it's from his e-mail
4 address.

5 Q No one's told you they wrote it for him?

6 A No. My testimony is that we never talked to him afterwards,
7 but to receive this e-mail from him, clearly from the
8 conversation with him and listening to the tape recordings,
9 that is not his voice.

10 Q My question is: He never told you that someone else wrote
11 this for him?

12 A We never talked with him.

13 Q And no one else has ever come to you and said, gee, I wrote
14 that e-mail for Krystal Mountaine?

15 A If they did, I don't think they would tell us that.

16 Q So the answer is no, no one ever told you that?

17 A No.

18 Q Let's turn to Exhibit 6, if you would. This is the e-mail
19 you received from Charlene Strong. You'll agree with me
20 this e-mail is a polite e-mail, won't you?

21 A Yes, it is.

22 Q In fact, it's respectful. Even the way she signed it,
23 "Respectfully"?

24 A Yes.

25 Q It was a request to come speak about an issue that you both

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1 felt pretty strongly about?

2 A Yes.

3 Q You didn't want your parishioners to hear from Ms. Strong
4 and her point of view on the issue?

5 A Well, that's obvious.

6 Q With all due respect, it's not obvious to me why you
7 wouldn't want your parishioners to hear an opposing
8 viewpoint, so that's why I'm asking. You didn't want your
9 parishioners to hear from Ms. Strong?

10 A No.

11 Q The mere request to come speak with you, you consider this
12 to be harassment?

13 A She's asking to come and speak to our church, to our church
14 congregation, our church people. Do I consider that
15 harassment? It's a form of, for lack of a better word,
16 taunting, knowing that we wouldn't do this.

17 Q You thought she was taunting you in this e-mail?

18 A She knew where our position was at from being at the
19 elections office and the news being there, my husband being
20 on the news, she knew where we were at. To ask us, that was
21 kind of like taunting.

22 Q But one of the things you were doing in front of these
23 stores was trying to talk people into signing the petition,
24 even if they might have initially disagreed with you, right?

25 A Yes.

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1 Q But you're not taunting the citizens as they come out the
2 door and you try to convince them they ought to sign the
3 petition, are you?

4 A We're getting petitions outside department stores, not going
5 into a church.

6 Q You were involved on the day that all the signed petitions
7 were delivered to the Secretary of State's office. Is that
8 true?

9 A Yes.

10 Q So you spent the day out there, you know, opening up the
11 boxes and organizing the petitions and all of that?

12 A Yes.

13 Q Do you recall the issue arising that on the back side of
14 some of the petitions there was a little form affidavit that
15 was supposed to have been signed by the signature gatherers,
16 but in many case were not signed. Do you remember that?

17 A Vaguely.

18 Q Do you recall seeing **REDACTED** using a stamp to stamp
19 some signature on all those pages?

20 A I think so.

21 Q Did either you or Mr. **REDACTED** or anybody else that was
22 helping you sign any of those signature gatherer affidavits
23 yourself?

24 A I think I signed a couple of them and my husband did.

25 Q And who asked you to do that?

C E R T I F I C A T E

2 I, REBECCA S. LINDAUER, a duly authorized Notary Public in
3 and for the State of Washington, residing at Lacey, do hereby
4 certify:

5 That the foregoing deposition of **REDACTED** was taken
6 before me and completed on the 1st day of September, 2010, and
7 thereafter transcribed by me by means of computer-aided
8 transcription; that the deposition is a full, true, and complete
9 transcript of the testimony of said witness;

10 That the witness, before examination, was by me duly sworn
11 to testify the truth, the whole truth, and nothing but the truth,
12 and that the witness reserved signature;

13 That I am not a relative, employee, attorney, or counsel of
14 any party to this action or relative or employee of any such
15 attorney or counsel, and I am not financially interested in the
16 said action or the outcome thereof;

17 That I am herewith securely sealing the deposition of
18 **REDACTED** and promptly mailing the same to MS. ANNE E.
19 EGELER

IN WITNESS HEREOF, I have hereunto set my hand and affixed
my official seal of this 7th day of September, 2010.

24 Rebecca S. Lindauer, CSR#2402

Notary Public in and for the State of
Washington, residing at Lacey.

EXHIBIT 10

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WASHINGTON

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JOHN DOE #1, et al.,)
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vs.) NO. 09-cv-05456-BHS
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DEPOSITION UPON ORAL EXAMINATION OF **REDACTED**

September 27, 2010

Tacoma, Washington

DIXIE CATTELL & ASSOCIATES

COURT REPORTERS & VIDEOCONFERENCING

(360) 352-2506 ** (800) 888-9714

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1 A There's no additional risk worthy of mention by having the
2 signatures released.

3 Q So let's start discussing now any threats or harassment that
4 you feel you suffered as a result of your involvement with
5 Referendum 71.

6 A Okay. Yes, there was one particular case, which is what I
7 signed the affidavit in regard to. Do you want me to read
8 this or recite it from memory?

9 Q Recite from memory and let me know if you still remember.

10 A Yeah. It was a pretty vivid experience, so it's impressed
11 upon my memory. It was on October 11. I was taking a ferry
12 from Seattle after one of the debates I mentioned. This
13 particular debate was at -- at a church in Shoreline, sort
14 of in the Richmond Beach area. That was one of the
15 non-televisioned debates. Wherever I went on debates, I always
16 took R71 brochures. We have a nice little colorful brochure
17 that we hand out to people in the audience and so on.

18 On the way, I'm riding the ferry back. You know, as a
19 Bremerton resident, I spend a good time of my -- part of my
20 time living on the ferry. I asked one of the attendants if
21 it would be okay, during the hour ride, if I distributed R71
22 brochures to the passengers.

23 And she wasn't willing to grant me permission on her
24 volition, so she called the captain on the phone. And he
25 said, okay, as long as it doesn't become, you know, really

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1 heated. In other words, just pass them out and keep your
2 cool, which is what I did on the entire main deck without
3 any particular incidents. A few people would ask a question
4 or two, but everything was quite civilized.

5 Then I went to the upper deck. It's a two-deck ferry.
6 I did the west end of the ferry, the same thing. Everything
7 was fine. Then I went to the east end and this was the last
8 quarter of the ferry that I was going to do. And I started,
9 as I did on that occasion, going to each table where
10 someone's sitting or chair and asking them first if they had
11 voted. If they had already voted, I didn't feel it was
12 necessary to hand out a brochure, and so I just pass on.

13 But this gentleman said that he had not voted yet, and
14 so I handed him a brochure and moved on. He said thank you.
15 I moved on. I would say 20, 30 seconds passed. I'm one or
16 two tables further along when I hear a huge shrieking
17 commotion coming from this person. He's just screaming at
18 me, using foul language, and wadded up the brochures. Said,
19 this is a bunch of shit, and threw it at me at about a
20 distance maybe from here to that blackboard. And --

21 Q How many feet would you say that is?

22 A It's probably four yards, 12 feet.

23 Q Okay.

24 A And he must have been a pretty good shot because it was
25 heading straight for my head. And I dodged it and it went

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1 A Well, when he was following me, he wasn't shouting quite so
2 loud because he was -- this was sort of the second phase of
3 this confrontation with him behind me, me trying to get
4 away, him following. What he was saying was unintelligible
5 to me.

6 Q So that --

7 A But he was right behind me. He had a kind of a menacing-
8 type tone and possibly -- you know, somebody is berserk, you
9 don't know what sort of idea he might have in his mind, but
10 what was he doing shadowing me? I was really concerned he
11 might escalate to the next level. I didn't want to get
12 smacked in the back, you know, as I'm walking.

13 So I was more than -- I was really grateful for those
14 two ferry workers. I didn't stay to thank them, but I
15 wished I could.

16 Q So at the time he was following you, what he was saying was
17 unintelligible. He was muttering?

18 A Right.

19 Q But earlier when you first had him -- you didn't have him,
20 but he chose to stand up and shout at you, what was he
21 shouting at that time? I know it's not pleasant to repeat
22 swear words, but it is important that we get this down
23 accurately, even if there was foul language.

24 A Well, the only swear word I can for sure identify from
25 memory was when he said this is a bunch of shit and then

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1 could -- just got increasingly -- you know, he, after he
2 threw the brochure at me, which was wadded up into a ball,
3 and missed me and I made probably the mistake of taunting
4 him a little bit by saying you missed, he became louder.

5 And it wasn't so much vulgar at that point as just sort
6 of an issue of him screaming and shrieking at me. A couple
7 times I made the attempt to sort of get, you know, get my
8 point in, but he was just not going to hear of it.

9 Q So what was he saying at that point when he was --

10 A He was saying, in particular, I remember he was saying that
11 he and his boyfriend had just as much right to get married
12 as I did. How he knew I was married, I don't know.

13 Q How did you respond to that? You said you did --

14 A I did say something about consent of the governed or the
15 general issue, which is so important to me, namely that the
16 people have a right to govern themselves. Thomas Jefferson
17 said this was most valuable of all freedoms, right of the
18 people to be self-governed. The people of this country have
19 made it perfectly clear they don't want to redefine marriage
20 to include same sex couples. I didn't have time so say all
21 that in the course of this heated crazy shouting match on
22 his part. I wasn't doing any shouting, but I attempted to
23 calm him down a little bit by making a point in the hopes he
24 would be become a little more rational, but I was getting
25 nowhere and then the lady started pleading for him to stop

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1 shouting.

2 Q Do you think he may have been mentally ill?

3 A It depends how you define mental illness, I guess.

4 Q You just used the word "berserk" earlier and I wondered --

5 A Yeah. I mean, whether it was temporary or some kind of
6 chronic condition with him, I, of course, have no way of
7 knowing.

8 Q But you did feel that he was unwell at that moment?

9 A He was out of control.

10 Q I understand he threw the brochure at you. Did he throw
11 anything else?

12 A No.

13 Q Did he verbally threaten violence or was it more the
14 intimidation of following?

15 A Yeah, the latter.

16 Q And do you remember how big he was, what he looked like?

17 A Yeah. He was shorter than me. I would say he's maybe 5'6"
18 to 5'8", of color.

19 Q So African-American?

20 A Um-hmm.

21 Q "Yes"?

22 A Yes.

23 Q And his build, roughly?

24 A I wouldn't describe him as skinny or fat, just sort of
25 normal build.

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1 Q And how tall are you?

2 A Six feet.

3 Q Did he follow you down to the area of the ferry that has the
4 parked cars or were you able to get away?

5 A No. Thanks to the ferry attendants, I was able to lose him
6 at that point. I was on the upper deck.

7 Q Were there any police officers in the vicinity at all?

8 A If there were, if they arrived later, I don't know because I
9 got in my car and I stayed there. I didn't see any activity
10 down on the car deck.

11 Q Sounds like the ferry workers saw it and took care of the
12 situation?

13 A Um-hmm.

14 Q "Yes"?

15 A Yes.

16 Q Any other instances that occurred?

17 A Do you mean other than this particular day?

18 Q Yes.

19 A The fellow that -- not really. I mean, I wouldn't count the
20 sort of harassing sort of questioning that came from the
21 audience at the Seattle Public Library as threatening in the
22 sense that this was.

23 Q Okay.

24 A So no.

25 Q So you just -- okay.

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1 So no other instances then of harassment or threats
2 that you felt had been encountered?

3 A No, nothing that was threatening to me personally.

4 Q After the election, you noted that you published an article
5 comparing Washington and at least one other state?

6 A Maine.

7 Q Did you have any threats or harassment following the
8 publication of that article?

9 A Well, you know, some -- like if it had been published in the
10 Kitsap Sun --

11 Q Was it published in the Kitsap Sun?

12 A That article wasn't. I had an article published prior to
13 that on behalf of the Knights of Columbus. There was all
14 kinds of ugly comments. Kitsap Sun is a much -- is not
15 monitored the way that Catholic Exchange is. You get
16 abusive, they don't post your comments in Catholic Exchange.

17 It's quite civilized, quite -- there's a lot decorum,
18 whereas this is not the case with the Kitsap Sun. I don't
19 mean to bad mouth the local newspaper, but I've gotten to
20 the point I hardly ever read the comment section because
21 it's so kind of demeaning and --

22 Q I think I know what you mean. We have our Olympian in
23 Olympia. The online comments, in my opinion, often are --

24 A Yeah.

25 Q -- out of control and nasty on virtually any issue. Would

EGELER (REDACTED , 9/27/10)

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1 you find that to be the case with Kitsap as well?

2 A I don't know if it was any issue. I mean, some
3 noncontroversial issues not so, but . . .

4 Q Anything political tends to get --

5 A Yes, absolutely, yes. Polarizing politically, it will get
6 really ugly. In fact, the article that I did publish in the
7 Kitsap Sun evidently got so ugly that one of my friends read
8 it and he said, don't read it. You don't want to read it,
9 you know, or be demoralized. I just didn't.

10 Q Right. And that would be in keeping with some of the other
11 controversial issues where you've seen people get out of
12 control with online comments? These are issues that are not
13 related to Referendum 71, but where people might have
14 opposing views?

15 A Yeah. A lot of -- have you ever seen the Yahoo news Web
16 sites? Sometimes they will get 2,000, 3,000, 4,000
17 comments. Who could ever read all of those anyway, the
18 sheer quantity? They're the same thing. There are some
19 that are high level and there are others that are really low
20 level. And I think there's sort of an aggression law
21 operating there that tends to depreciate the quality of the
22 commentaries because people see themselves associated with
23 such demeaning comments and so they don't comment anymore.
24 It kind of gradually deflates the intellectual currency, if
25 you will.

DIXSON (REDACTED, 9/27/10)

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1 EXAMINATION

2 BY MR. DIXSON:

3 Q Mr. REDACTED, good morning. My name is Steven Dixson. I'm
4 on the phone here in Spokane, Washington. We represent the
5 Washington Coalition for Open Government.

6 A Sure, Steve.

7 Q I recognize the inherent difficulties doing this over the
8 phone, so I will try to be brief and direct. In the ten or
9 so debates you had both televised and non-televised, did you
10 experience any heckling or harassment during those debates?

11 A Yes, the one at the Seattle Public Library in particular.

12 Q Can you tell me what happened there?

13 A Yeah. The one guy said, I want to direct my question
14 specifically to Mr. REDACTED. And he said, why don't you
15 just get out of my way? And I started to -- I presumed that
16 he meant, you know, stand aside and let the same sex
17 marriage agenda proceed. And I -- so I started to respond,
18 but he wouldn't allow me to finish my first sentence. He
19 said, no, no. Why don't you get out of our way, you know.
20 And I finally -- the moderator finally came to my defense,
21 allowed me to answer the question, so that would be about it
22 in terms of harassment from the audience.

23 Q What was your -- the speech there was regarding the PLU
24 documentary regarding marriage. Is that correct?

25 A Yeah. They had a panel discussion. They showed the film

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1 C E R T I F I C A T E

2 I, REBECCA S. LINDAUER, a duly authorized Notary Public in
3 and for the State of Washington, residing at Lacey, do hereby
4 certify:

5 That the foregoing deposition of **REDACTED** was taken
6 before me and completed on the 27th day of September, 2010, and
7 thereafter transcribed by me by means of computer-aided
8 transcription; that the deposition is a full, true, and complete
9 transcript of the testimony of said witness;

10 That the witness, before examination, was by me duly sworn
11 to testify the truth, the whole truth, and nothing but the truth,
12 and that the witness reserved signature;

13 That I am not a relative, employee, attorney, or counsel of
14 any party to this action or relative or employee of any such
15 attorney or counsel, and I am not financially interested in the
16 said action or the outcome thereof;

17 That I am herewith securely sealing the deposition of **REDACTED**
18 **REDACTED** and promptly mailing the same to MS. ANNE E. EGELER.

19 IN WITNESS HEREOF, I have hereunto set my hand and affixed
20 my official seal of this 4th day of October, 2010.

21
22
23

24 Rebecca S. Lindauer, CSR#2402
25 Notary Public in and for the State of
Washington, residing at Lacey.

EXHIBIT 11

Page 1

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT TACOMA

4

5 JOHN DOE #1, an individual; JOHN)
6 DOE #2, an individual; and PROTECT)
7 MARRIAGE WASHINGTON,)
8)
9)
10)
11)
12)
13)

14) No. 09-CV-05456-BHS
15 SAM REED, in his official capacity)
16 as Secretary of State of Washington;)
17 BRENDA GALARZA, in her official)
18 capacity as Public Records Officer)
19 for the Secretary of State of)
20 Washington,)
21)
22)

23 Defendants.)

14 Deposition Upon Oral Examination
15 Of
16 SENATOR REDACTED

17
18
19
20
21
22 Taken by: Tracey L. Juran, CCR
23 CCR No. 2699

24 September 28, 2010
25 Everett, Washington

1 Q. And in stating that, my understanding is that you don't
2 mean to be making a general statement about all letters
3 written to state agencies or all letters written to
4 people from state agencies; correct?

5 A. Correct.

6 Q. When is the last time that you campaigned for
7 reelection? What year was that?

8 A. Two years ago.

9 Q. So in 2008?

10 A. Mm-hm. Well, 2007. I was elected -- I campaigned in
11 2007, was elected, and serve -- started serving in 2008
12 the last time.

13 Q. And what district are you in?

14 A. **REDACTED**.

15 Q. Do you recall if any of your campaign signs were stolen?

16 A. Oh, yes.

17 Q. Were there quite a few of those?

18 A. Uh-huh.

19 Q. Is that a yes?

20 A. Yes. That is a yes.

21 And --

22 Q. Did you --

23 A. -- some -- and one was burned --

24 Q. Oh, my goodness.

25 A. -- several times.

1 Q. Has that been your experience in all of your elections,
2 that --

3 A. I've never had one burned. That was a first. But yes,
4 often they are stolen, they are demolished.

5 Q. Have you ever had a campaign sign slashed with a knife?

6 A. Yes.

7 Q. And has that happened --

8 A. I mean, I don't know how they slashed it -- an ax, a
9 knife, I don't know -- but yes.

10 Q. And have you ever seen a sign for a Democrat that was
11 vandalized, slashed, or burned, destroyed in some way?

12 A. Never burned. I've never seen anybody else's sign
13 burned, especially as many times as mine was, the same
14 one. But -- same location. We replaced it and it would
15 be burned again. But, you know, I think I just saw one
16 the other day, and I'm trying to remember if it was -- I
17 don't know whose sign it was. Let's just say it was --
18 I don't know whose sign it was, if it was a Democrat or
19 a Republican. I don't know. But I did see one the
20 other day on I-5.

21 Q. Do you have any idea why someone would have burned your
22 sign?

23 A. None. Fire department would like to know too. Fact,
24 they called my office and wanted to know why I kept
25 putting the sign back up, because they had to go out and

1 CERTIFICATE

2 STATE OF WASHINGTON)

)

3 COUNTY OF SNOHOMISH)

4 I, the undersigned Notary Public in and for the
5 State of Washington, do hereby certify:

6 That the foregoing is a full, true, and correct
7 transcript of the testimony of the witness named herein,
8 including all objections, motions, and exceptions;

9 That the witness before examination was by me duly
10 sworn to testify truthfully and that the transcript was made
11 available to the witness for reading and signing upon
12 completion of transcription, unless indicated herein that the
13 witness waived signature;

14 That I am not a relative or employee of any party
15 to this action or of any attorney or counsel for said action
16 and that I am not financially interested in the said action
17 or the outcome thereof;

18 That I am sealing the original of this transcript
19 and promptly delivering the same to the ordering attorney.

20 IN WITNESS WHEREOF, I have hereunto set my hand and
21 seal this 12th day of October, 2010.

22

23

Notary Public in and for the State of Washington
residing at Edmonds, Washington.

(Notary expires 3/09/13)

25

(CCR No. 2699)